

REMARKS

Claims 1-23 are pending in the present application. Claims 1, 8, 14, 19, 21 and 23 are independent claims.

Applicants respectfully respond to this Office Action and traverse all rejections.

Claim Rejections – 35 USC § 103(a)

Claims 1-4, 6-10, 12-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siwko (NPL WX-001017264) in view of Redden (EP 0658014).

Claims 5, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siwko in view of Redden (EP 0658014) as applied to claims 1-2, 4, 8, 10, 14, 16 and 19, and further in view of Weishaupt (U.S. Patent 4,493,102).

Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa (U.S. Patent 6,801,515) in view of Ishikawa (U.S. Publication 20060111121) and further in view of Siwko.

Regarding claims 1-20, the Examiner is relying on Redden as teaching “receiving at a mobile station an initial call request blocking probability,” as recited in independent claim 1, for example. In the Response to Arguments section of the Office Action mailed May 24, 2007, the Examiner states that “Redden discloses informing to the subscriber units (mobile station) if a network element is not accepting calls (blocking a call request)... Thereby, Redden is indicating a call request blocking probability of 100%,” and points to pg. 14, lines 4-22 of Redden in support. In the cited section, Redden describes a satellite system communication node that modifies a parameter set including a list of inhibited user classes (i.e., users prevented from establishing a connection). For example, the satellite system may wish to prevent additional service classes from establishing a connection if the satellite system’s resources are diminished by maintenance work. The modified parameter set is broadcast on a broadcast channel, and any user falling under the list of inhibited user classes is prevented from initiating an acquisition protocol on an acquisition channel.

As such, Redden simply discloses sending blocking signals to subscriber units in a determined list of inhibited user classes to prevent initiating a connection with the

communications node by those subscribers. Redden does not disclose receiving at a mobile station an initial call request blocking probability, but merely receiving a block signal. The blocking signal is not useful to the subscriber unit other than indicating whether it can or cannot initiate an acquisition protocol. The blocking signal does not provide the subscriber unit with a blocking probability that is capable of being adjusted based on an elapsed amount of time, as in the claimed invention.

Accordingly, Applicants fail to see, and the Examiner does not provide a showing of, how a received blocking signal as taught in Redden can be adjusted in the manner of the dropping probability according to the teachings of Siwko. A 'true/false' blocking signal and a dropping probability value are fundamentally different elements. Moreover, the blocking signal of Redden is intended to be firmly accepted by each subscriber unit, not modified based on a subscriber unit's own criteria.

The connection admission control (CAC) scheme according to Siwko admits a connection (k) when it is determined that the probability of dropping that connection (P_k) is greater than a dropping probability threshold (ϵ). The call will be admitted at a time t if $n(t') < \min [L(t), Co]$, where the number of active calls, just before t , is $n(t')$, Co is the maximum number of calls allowed at time t and $L(t)$ is a boundary curve. The boundary curve is defined as a function of $L(t) = \min (n/P_D(t/n) > \epsilon)$ where $P_D(t/n)$ is a probability of dropping a call admitted at time t given n calls active at t' (just prior to t). Applying the mathematical formulas of Siwko above to a true/false blocking signal is nonsensical, and would yield unusable results. The Examiner's assertion that the blocking signal is essentially a 0% or 100% probability is erroneous as that blocking signal cannot be adjusted in the manner taught by Siwko.

Thus, the Examiner's combination of the block signal of Redden as the initial call request blocking probability for "receiving at the mobile station an initial call request block probability," and the dropping probability P_k of Siwko as the initial call request blocking probability for "adjusting said initial call request block probability based on said elapsed time," as recited in claim 1, for example, is untenable. The proposed combination with regard to independent claims 8, 14, and 19, which recite similar features, is likewise untenable.

The two references are in fact not combinable in the manner proposed by the Examiner. As stated in MPEP § 2141.02, a proposed combination much render a claimed invention as a whole obvious, and cannot be a mere assimilation of elements or steps.

Further, as stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970). Neither Siwko, Redden. nor the combination of these references discloses all the features of Applicants' claimed combinations as noted above. Therefore, these references do not render Applicant's claimed combinations obvious as alleged by the Examiner. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Therefore, Applicants' independent claims 1, 8, 14, and 19 are allowable over Siwko and Redden. The dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination. Also, dependent claims 5, 11 and 17 are allowable over Siwko and Redden combined with Weishaupt because they depend on allowable base claims and Weishaupt, as applied, fails to cure the deficiencies of the proposed Siwko and Redden.

Regarding claim 21, the Examiner has rejected it under 35 U.S.C. 103(a) as allegedly being unpatentable over Ishikawa (U.S. Patent 6,801,515, hereinafter "Ishikawa-515") in view of Ishikawa (U.S. Publication 20060111121, hereinafter "Ishikawa-121") and further in view of Siwko. Applicants respectfully traverse this rejection.

Claim 21 recites *inter alia* "a receiver configured for receiving at the mobile station an initial call request block probability... and a processor configured for... adjusting said initial call request block probability..." The Examiner alleges these features of claim 21 are taught in Ishikawa-515. Applicants respectfully disagree.

Ishikawa-515 describes a call admission control method and a mobile station device for a CDMA mobile communication system which is capable of not damaging a communication quality of a mobile station in communication with a base station. The mobile station includes a receiver 23 that receives an uplink interference amount I from the base station. The mobile

station also includes a control information control circuit 31 that interfaces with the receiver 23 to store the uplink interference amount I in a memory 41, as well as a receiving level information control circuit 27 to calculate a required receiving level R and store it in the memory 41. A call admission control circuit 37 queries memory 41 for the received uplink interference amount I and the calculated required receiving level R. The call admission control circuit 37 then judges whether a potential connection with a given base station will be admitted based on the received uplink interference amount I and the calculated required receiving level R.

Accordingly, the control information control circuit 31 simply stores the data it receives from the receiver 23, i.e., the uplink interference amount I. The receiving level information control circuit 27 simply calculates a required receiving level R from a control channel transmitted by the base station. The call admission control circuit 37 simply receives data from a memory 41 and makes an admission decision based on that data. Thus, none of the elements disclosed in Ishikawa-515 adjusts the received uplink interference amount I as alleged by the Examiner. Therefore, even if the Examiner's contention that the uplink interference amount I received by the mobile station is equivalent to call request block information is true, which Applicants do not admit or agree to, Applicants submit that none of the elements disclosed in Ishikawa-515 teaches or suggest "a processor configured for... adjusting said initial call request block probability..." as recited in claim 21.

Ishikawa-121 merely illustrates a performance calculating unit that calculates a blocking probability from means S_m , variances S_v , and a threshold value T, and fails to cure the above deficiencies of Ishikawa-515. Similarly, and as demonstrated above with regard to claims 1-20, Siwko also fails to cure the above deficiencies of Ishikawa-515. A *prima facie* case of obviousness has therefore not been established, and claim 21 is allowable over Ishikawa-515 in view of Ishikawa-121 and further in view of Siwko.

New Claims

Newly added claim 22 dependent from claim 21 is believed allowable at least for its dependence from an allowable base claim.

Newly added independent claim 23 is allowable for at least the reasons discussed above with regard to the deficiencies of the cited references. Furthermore, independent claim 23 recites

inter alia “iteratively adjusting the initial call request block probability, the number of iterations being based on the ratio of the elapsed time to the received time period; generating a random number by the mobile station between minimum and maximum allowed values associated with the initial call request block probability; and blocking the call request at the mobile station based on a comparison of the randomly generated number and the adjusted initial call request block probability,” which is neither taught nor suggested by any of the cited references, either alone or in combination.

CONCLUSION

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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